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UNCLAS SECTION 01 OF 02 GENEVA 002114

SIPDIS

STATE FOR IO/SHA, DRL/MLA

E.O. 12958: N/A

TAGS: PHUM UNHRC

SUBJECT: SR ON HUMAN RIGHTS DEFENDERS REQUEST INFORMATION
FOR FINAL REPORT

¶1. Mission received the following communication from Hina Jilani, Special Representative of the Secretary General on the Situation of Human Rights Defenders, requesting information for her final report to the Commission on Human Rights. This communication has been forwarded to IO/SHA via e-mail and is number 28 on the Geneva 2005 Communications Log.

¶2. Begin text of letter:

Reference: G/SO 214(107-4)

2 September 2005

Excellency,

I am writing in my capacity as Special Representative of the United Nations Secretary-General on the situation of human rights defenders, pursuant to resolutions 2000/61 and 2003/64 of the UN Commission on Human Rights.

I would like to refer to my communication dated 2 June 2005 which I addressed to all United Nations Member States, including your Excellency's Government. As explained in this communication, my final report to the Commission on Human Rights, due in April 2006, will evaluate the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on human rights defenders) within United Nations Member States. The report, which will include a country-by-country review, is aimed at identifying main areas of progress and main problems that need to be addressed.

For this purpose, I requested Governments, National Human Rights Institutions, regional intergovernmental organizations and non-governmental human rights organizations to provide me with relevant information on this matter. Once processed and summarized, this information would be reflected in my report. I have so far received valuable information from some governmental and non-governmental sources.

In this regard, I would like to refer to the resolution 2005/67 of the Commission on Human Rights, entitled "Human rights defenders," which inter alia:

Urges all States to cooperate with the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request" (para. 9) and "Urges those States that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay" (para. 11)

I would be very grateful if your Government would also collaborate to the preparation of the above-mentioned report by sending its responses to the brief questionnaire that is in the annex of this letter. I would like to draw your attention to question 3, as it has been added at a later stage. I would greatly appreciate receiving these responses at your earliest possible convenience, and preferably no later than 30 September 2005. Responses can be addressed to me at the Office of the High Commissioner on Human Rights, United Nations Office at Geneva, CH-1211 Geneva 10, Switzerland. Ideally, responses will be sent both by postal mail and also by email to hrd-ra2@ohchr.org.

Please accept, Excellency, the assurances of my highest consideration.

Hina Jilani
Special Representative of the Secretary General on the situation of human rights defenders

End text of letter.

¶3. Begin questionnaire:

Questions on the respect and implementation of the Declaration of human rights defenders

The seven questions listed below have been selected carefully so that responses to them should provide a good overview of the Declaration's implementation, and an indication of the main areas of progress and main problems. Answers should take into consideration both the provisions and principles of the Declaration on human rights defenders. A link to, and brief commentary of, the declaration can be viewed at www.ohchr.org/english/issues/defenders/declaration.htm. Answers to questions are only expected to cover priority issues and not every aspect of the Declarations implementation. Answers should be as "brief" as possible, can be submitted in bullet-points if preferred, and should be organized under each question title. The Special Representative's report, summarizing responses received, will be organized under similar headings.

11. The "human rights defenders" community

- a. Please briefly describe, with examples, the human rights defenders community in your country. Please cover considerations such as: the numbers of human rights defender organizations; the range of the activities conducted; the quality, effectiveness and impact of human rights defenders' work.
- b. (If relevant) Please list ways in which the role and situation of human rights defenders in your country need to be strengthened and how this can be achieved (e.g. improved human rights defenders training, greater transparency, improved protection, etc)

12. Assessment of the current situation of the Declaration's implementation in the country

[Answers should take into consideration: legislation, policies, and actions at national and local levels.]

a. Firmly established success in implementing the Declaration: (if relevant) please summarise, with reference to brief examples and relevant Articles of the Declaration, those aspects of the Declaration whose implementation is firmly established within your country. [For example, you might consider that the Declaration's Article 5, referring to the right to association and assembly and communication between organizations, is well established in your country because it is widely respected and rarely questioned and because, where problems arise, these are dealt with in a fair manner.]

b. Recent progress: (if relevant) please indicate, with brief examples, the main progress that has been made in strengthening the Declaration's implementation in your country over roughly the last 4 years.

c. Remaining problems: (if relevant) please indicate with brief examples, which of the Declaration's provisions are not adequately implemented or respected in the country. What actions would ideally address these problems? Is any effort currently underway to take such remedial actions?

13. Freedom of association and expression

Please briefly describe the existing legislative framework in your country regulating the rights to freedom of association and freedom of expression.

14. Bad practices

(If relevant) Please indicate, with brief examples, the worst practices affecting implementation of the Declaration in your country.

15. Good practices

(If relevant) Please indicate, with brief examples, the best practices affecting implementation of the Declaration in your country.

16. The contributions of different actors

- a. The awareness, commitment and contributions of national (State) authorities to implementing the Declaration.
- b. The awareness commitment and contributions of local (State) authorities to implementing the Declaration.
- c. The awareness, commitment and contributions of human rights defenders to implementing the Declaration.
- d. (If relevant) The awareness, commitment and contributions of United Nations bodies in the country to implementing the Declaration.

17. Very briefly, please indicate whether you think respect for the Declaration (and therefore the role and situation of

human rights defenders) is improving or worsening in your country. Please indicate what factor you believe are having the most significant impact in this regard.

End questionnaire.

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